

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jayvee Rhoda	Team: Team # 1	CCRB Case #: 201404729	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 05/11/2014 5:10 PM	Location of Incident: Pacific Street and Ralph Avenue; 707 Kingsborough 7 Walk; en route to the 73rd Precinct stationhouse	Precinct: 73	18 Mo. SOL 11/11/2015	EO SOL 11/11/2015	
Date/Time CV Reported Thu, 05/15/2014 11:05 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/15/2014 11:05 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Derek Sambolin	06906	943771	073 PCT
2. SGT Christophe Muller	04155	925795	073 PCT
3. POM Thaddeus Grandstaff	15264	951784	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jared Fox	20052	947000	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Derek Sambolin	Force: At Pacific Street and Ralph Avenue in Brooklyn, PO Derek Sambolin struck § 87(2)(b) with a vehicle.	
B.SGT Christophe Muller	Force: At 707 Kingsborough 7 Walk, SGT Christopher Muller pointed his gun at § 87(2)(b)	
C.SGT Christophe Muller	Discourtesy: At 707 Kingsborough 7 Walk in Brooklyn, SGT Christopher Muller spoke rudely to § 87(2)(b)	
D.SGT Christophe Muller	Abuse: At 707 Kingsborough 7 Walk in Brooklyn, SGT Christopher Muller threatened § 87(2)(b) with the use of force.	
E.POM Thaddeus Grandstaff	Discourtesy: At 707 Kingsborough 7 Walk, at Pacific Street and Ralph Avenue in Brooklyn, and en route to the 73rd Precinct stationhouse, PO Thaddeus Grandstaff spoke rudely to § 87(2)(b)	
F.POM Thaddeus Grandstaff	Force: At 707 Kingsborough 7 Walk, PO Thaddeus Grandstaff used physical force against § 87(2)(b)	
G.POM Thaddeus Grandstaff	Off. Language: En route to the 73rd Precinct stationhouse, PO Thaddeus Grandstaff made remarks to § 87(2)(b) based upon race.	

Case Summary

On May 11, 2014, at approximately 5:10 p.m., § 87(2)(b) was riding his motorcycle on Pacific Street and slowed as he approached the traffic light at Ralph Avenue in Brooklyn. An unmarked black Chevrolet Impala that was speeding toward him allegedly hit the motorcycle's rear tire (**Allegation A**). The occupants of the car were PO Derek Sambolin, PO Jared Fox, PO Thaddeus Grandstaff, and SGT Christophe Muller from the 73rd Precinct. § 87(2)(b) fell off, sustaining a laceration and a scrape to his left leg, but the motorcycle kept moving and crashed into another car. § 87(2)(b) immediately got up from the ground, saw blood, and ran through the courtyard of a nearby New York City Housing Authority (NYCHA) building, located at 707 Kingsborough 7 Walk. SGT Muller pointed his gun at § 87(2)(b) (**Allegation B**), instructed him not to move, and allegedly said, "Shut the fuck up. Don't fucking move or I'll shoot you" (**Allegation C, Allegation D**). PO Grandstaff allegedly also told § 87(2)(b) to "shut the fuck up" and allegedly continued using profanity throughout the incident (**Allegation E**). SGT Muller handcuffed § 87(2)(b) and PO Grandstaff allegedly punched § 87(2)(b) two times in the chest with a closed fist (**Allegation F**). En route to the 73rd Precinct stationhouse, PO Grandstaff allegedly said, "Do you have money for your fucking bond, nigger?" (**Allegation G**).

Mediation, Civil, and Criminal Histories

This case was not eligible for mediation due to § 87(2)(b)'s arrest. § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 18, 2014, with regard to the incident (encl. 26a). On October 30, 2014, § 87(2)(b) pled guilty to disorderly conduct for this incident and was sentenced to a conditional discharge and four days of community service (encl. 27a-f). He had no other criminal convictions (encl. 27h-l).

Civilian and Officer Histories

- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- PO Sambolin has been a member of the service for seven years and there are two substantiated CCRB allegations against him (encl. 2a-b): A guilty plea was entered for case 200801475, for a vehicle stop and discourtesy-action. He was penalized 25 vacation days by the NYPD.
- SGT Muller has been a member of the service for fourteen years and there are three substantiated CCRB allegations against him (encl. 3a-b): The CCRB recommended charges for case 200611570, which dealt with a question, refusal to provide name and shield, and search allegations, but no disciplinary action was taken by the NYPD.
- PO Grandstaff has been a member of the service for two years and there are no substantiated CCRB allegations against him (encl. 4a-b).

Findings and Recommendations

Explanation of Subject Officer Identification

PO Sambolin, PO Grandstaff, and SGT Muller acknowledged interacting with § 87(2)(b)

Recommendations

Allegation A- Force: At Pacific Street and Ralph Avenue in Brooklyn, PO Derek Sambolin struck § 87(2)(b) with a vehicle.

§ 87(2)(b), § 87(2)(g), § 87(2)(b), § 87(2)(g), did not admit to speeding the wrong way on a one-way street and tried to obfuscate the fact that he was driving a motorcycle that did not have a license plate. He stated that an unmarked Chevrolet Impala hit his motorcycle's rear tire, causing him to lose control and crash into a Mercedes Benz. § 87(2)(b) did not seek medical treatment or mention being hit by a police vehicle until he was released from police custody. Although § 87(2)(b) a friend of § 87(2)(b)s, said that he saw the police vehicle hit § 87(2)(b)s motorcycle, he also stated that he saw other misconduct occurring at the scene of the crash that § 87(2)(b) did not allege, making him a non-independent, non-credible witness. Furthermore, the driver of the Mercedes Benz, § 87(2)(b) corroborated the officers' version of events that § 87(2)(b) was speeding the wrong way on a one-way street, at which point § 87(2)(b) struck § 87(2)(b)s vehicle. § 87(2)(b) did not see the officers' vehicle make contact with § 87(2)(b)s motorcycle. § 87(2)(b) did not see a police vehicle at the scene until a couple of minutes after the collision occurred.

All of the officers denied hitting § 87(2)(b)s motorcycle, and said he crashed as a result of his own reckless driving.

§ 87(2)(b), § 87(2)(g)

Allegation B- Force: At 707 Kingsborough 7 Walk, SGT Christopher Muller pointed his gun at § 87(2)(b)

It is undisputed that SGT Muller pointed his gun at § 87(2)(b)

NYPD v Gliner, OATH Index No. 955/00 (2000) states that an officer is justified in drawing and pointing his firearm if he reasonably fears for his safety (encl. 1a-s).

§ 87(2)(b), § 87(2)(g)

Allegation C- Discourtesy: At 707 Kingsborough 7 Walk, SGT Christopher Muller spoke rudely to § 87(2)(b)

Allegation D- Abuse of Authority: At 707 Kingsborough 7 Walk, SGT Christopher Muller threatened § 87(2)(b) with the use of force.

Allegation E- Discourtesy: At 707 Kingsborough 7 Walk, At Pacific Street and Ralph Avenue in Brooklyn, and en route to the 73rd Precinct stationhouse, PO Thaddeus Grandstaff spoke rudely to § 87(2)(b)

Allegation G- Offensive Language: En route to the 73rd Precinct stationhouse, PO Thaddeus Grandstaff made remarks to § 87(2)(b) based upon race.

§ 87(2)(b) stated that SGT Muller allegedly told him to “Shut the fuck up” and “Don’t fucking move or I’ll shoot you.” § 87(2)(b) stated that PO Grandstaff allegedly told him to “Shut the fuck up” and said, “There go that motherfucker. Yeah, I’ve been looking for you. You lucky. If these officers weren’t here, I would have fucked you up right here.” As § 87(2)(b) walked back to Pacific Street and Ralph Avenue, PO Grandstaff allegedly said, “Now the fucking bike is gone.” When PO Grandstaff spoke to § 87(2)(b) PO Grandstaff allegedly said, “See? You fucking dummy? You could’ve hurt some kids.” After he was handcuffed, PO Grandstaff allegedly said, “Yo, don’t bleed on my fucking books. Move the fuck over.” § 87(2)(b) stated that en route to the stationhouse, PO Grandstaff allegedly said, “You’re going to fucking jail. Do you have money for your fucking bond, nigger?”

The officers all denied that any profanity or offensive language was used during the incident.

§ 87(2)(b) denied hearing any profanity being used in his presence. Also, § 87(2)(b) did not mention hearing any profanity being used by officers. § 87(2)(b) mentioned that he heard an officer threaten to “shoot” and “kill” § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation F- Force: At 707 Kingsborough 7 Walk, PO Thaddeus Grandstaff used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after SGT Muller handcuffed him, PO Grandstaff punched him two times in the chest. § 87(2)(b) said § 87(2)(b) was punched in his chest three to four times. Three days after the incident, when § 87(2)(b) sought medical treatment, he did not mention being punched and did not report a chest injury. § 87(2)(b) said he did not see an officer use force against § 87(2)(b) The officers denied that PO Grandstaff punched § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Team: One

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date